

Agency rejects Trump administration arguments that immigration judges cannot form a union

[Charles Davis](#) 18 hours ago



A judge's gavel rests on top of a desk in a courtroom.

[Joe Raedle/Getty Images](#)

A federal agency has ruled that immigration judges are not "managers," meaning they have the right to form a union.

The Trump administration has been attempting to decertify the judges' union amid a broader effort to silence its critics in the judiciary.

"DOJ's efforts to decertify the union demonstrates, once again, the structural flaw of having the immigration court housed in a law enforcement agency like DOJ," Judge Ashley Tabaddor said in a statement.

[Visit Business Insider's homepage for more stories.](#)

Federal immigration judges are workers too, or so the US Federal Labor Relations Authority has ruled, rejecting efforts by the Trump administration to silence its critics on the bench and nullify their union.

The decision, reached July 31, comes after The National Association of Immigration Judges [filed a lawsuit](#) over efforts to prevent its members from publicly speaking out about matters of US policy.

Once exception to the existing gag order, promulgated by the Executive Office for Immigration Review, is for union leaders — an exemption that would go away, of course, if judges had no union.

In January, the US Department of Justice sought to have the judges' decades-old union decertified, arguing that its members are not workers, entitled to collective bargaining, but managers.

On Friday, Susan Bartlett, Washington, DC, regional director for the FLRA, dismissed DOJ's argument, stating that the department "failed to establish that immigration judges are management officials."

The Department of Justice did not immediately return a request for comment.

"DOJ's efforts to decertify the union demonstrates, once again, the structural flaw of having the immigration court housed in a law enforcement agency like DOJ," Judge Ashley Tabaddor, president of the NAIJ, said in an Aug. 3 statement. "The only lasting solution is the creation of an independent immigration court."

Have a news tip? Email this reporter: cdavis@insider.com

Newsletter

Don't miss industry news. Get our daily newsletter today.

NOW WATCH: